

## REMARKS

Claims 1-7 and 10-38 remain pending in the instant application. Claims 1-7 and 10-38 presently stand rejected. Reconsideration of the pending claims is respectfully requested.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-7 and 10-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Francisco et al. (Non Patent Literature: M. J. Francisco et al., “Interdomain routing in optical networks,” Proceedings of SPIE Vol. 4599, August 2001, pages 120-129). The rejections are respectfully traversed.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent claim 1 recites, in pertinent part,

1. A method for routing data across an enterprise network including a plurality of **optical burst-switched (OBS) networks**, comprising:  
receiving a data transmission request from a node in a first network  
identifying a destination node in a second network remote to the first network to where the data is to be transmitted, wherein transmission of the data requires the data to be routed along a route that spans at least a portion of multiple networks, **including at least one OBS network**;

Applicants respectfully submit that Francisco fails to disclose a method for routing data across an enterprise network including a plurality of optical burst-switched (OBS) networks.

While Francisco discloses extensions to the Border Gateway Protocol (BGP) to create an Optical Border Gateway Protocol (OBGP), Francisco fails to disclose these extensions for use with optical burst-switched (OBS) networks. Applicants can find no portion of Francisco which makes any reference, implicit or explicit, to OBS networks. FIG. 1 of Francisco illustrates an OBGP router including an optical cross connect (OXC), but does not disclose an OBS router.

In fact, the Introduction of Francisco states, “**optical networks are circuit switched networks** in nature due to their high traffic capacity and relatively slow switching speed.” This suggest that the type of optical networks that Francisco contemplates does not include OBS networks, since OBS networks are not technically circuit switched networks. Rather, optical burst switching is a technique that lies between “optical circuit switching” and “optical packet switching.” In any event, Francisco simply does not disclose an OBS network or optical burst switching and does not discuss how its proposed OBGp may be incorporated into OBS networks.

Consequently, Francisco fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Accordingly, withdrawal of the instant §102 rejection of claim 1 is requested.

#### Dependent Claims

**Dependent claim 11**, recites, in pertinent part,

wherein **the extension to the path attributes in the BGP UPDATE message** includes an **available fiber attribute** that that indicates a status of the current fiber availability between neighboring OBS networks.

Applicants respectfully submit that Francisco fails to disclose the inclusion of an available fiber attributed within a BGP UPDATE message to indicate a status of the current fiber availability between neighboring OBS networks.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

#### *Claim Rejections – 35 U.S.C. § 103*

Claims 16-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Francisco in view of Zang et al. (US 7,209,975 B1). The rejections are respectfully traversed.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be

considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Independent claims 16, 21, and 30 all include recitations to an “optical burst-switched network.” For the reasons discussed above, Francisco fails to disclose, teach, or suggest extensions to a BGP for use with an OBS network. Similarly, Zang also fails to make any mention of OBS networks and therefore cannot disclose, teach, or suggest extensions to a BGP for use with an OBS network.

Consequently, the combination of Francisco and Zang fails to teach or suggest all elements of claims 16, 21, and 30, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of claims 16, 21, and 30 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

### **CHARGE DEPOSIT ACCOUNT**

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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/Cory G. Claassen/

Cory G. Claassen

Reg. No. 50,296

Phone: (206) 292-8600

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040